

REMARKS/ARGUMENTS

The Examiner's courtesies during our telephonic interview are appreciated. During the interview the overall use and operation of the membrane of this invention was discussed and it was agreed that drawing corrections would better illustrate the concept. The differences between Aufdermarsh et al and the instant invention were also discussed. Aufdermarsh is a shell housing a radio transmitter and receiver for electronically mapping geologic formations external to the shell. The shell is lowered into an oil well shaft and protects the instrumentation from the harsh external environment. There is nothing inside the shell, other than the transmitter/receiver and the instrumentation does not measure stresses and strains.

The drawings have been corrected to illustrate the membrane of this invention surrounding a specimen to be tested. While the specimens to be tested are not part of the invention, the illustration makes for a better understanding of the invention.

The use of the membrane of this invention eliminates the conventional, tedious and time consuming process of applying instrumentation to each of a series of test cores by providing pre-instrumented envelopes into which each of the test cores are placed before they are placed in a testing chamber.

In the specification, the paragraphs beginning at page 7, line

10 and page 8, line 7 have been amended to add a showing, with reference number 36, of a specimen inside the membrane. Support for these drawing and specification corrections is found at page 5, lines 7-11; page 10, lines 15-21; and page 11, lines 4-13 of the original specification.

Claims 1-14 and 18-19 remain in this application.

Claims 15-17 have been canceled pursuant to the non-election of the method claims.

The examiner has acknowledged that claims 6 and 11 are directed to allowable subject matter. Claims 6 and 11 have been amended, in form only, without any new limitations and should be in condition for allowance.

In response to the Final Office Action of July 26, 2005 Applicant requests re-examination and reconsideration of this application for patent pursuant to 35 U.S.C. 132.

Objections to the Claims

Claim 6-14 have been objected to for the inclusion of the term "thickness". The term - -membrane- - has been substituted therefore, as suggested by the Examiner.

Rejections under 35 USC 102(b)

Claims 1-5, 7-10, 12-13, and 18-19 stand rejected as

anticipated by Aufdermarsh et al. The Aufdermarsh device and the claimed device are direct opposites of each other. The Aufdermarsh shell is a semi-rigid enclosure to protect electronic equipment from the harsh environment of heat and caustic materials in a well hole while the equipment is detecting and measuring geologic formations outside the shell and outside the well hole as it is moved through the well. During use, the interior of the shell of the Aufdermarsh device is pressurized, in the range of 170 MPa, to counterbalance the well hole pressures.

The claimed device is a compliant, flexible envelope used to encapsulate a test sample and offers little or no resistance to the forces applied against the encapsulated sample. The membrane separates the test sample from the atmosphere inside the test chamber while permitting the test sample to be subjected to stresses and strains to determine the characteristics of the sample inside the membrane. Instrumentation embedded in the walls of the envelope measure the stresses, strains and deformations of the sample and must remain in intimate contact with the sample during all deflections to record the results. Thus, the claimed device is used to measure changes in the sample inside the envelope inside the test chamber.

With regard to the rejection of claim 1, there is no specimen inside the Aufdermarsh et al shell. The reference maps geologic

formations outside the periphery of the shell and the shell resists deformation. Claim 1 recites a membrane that intimately conforms, in shape, to an internal specimen and instrumentation in the membrane to measure a physical property inside the membrane.

With regard to claim 2, there is no specimen inside the shell of Aufdermarsh et al and the reference does not measure any physical property inside the periphery of the membrane.

With regard to claims 3 and 5, Aufdermarsh does not measure a physical property, in the longitudinal direction, inside the shell.

With regard to claim 4, the reference does not measure a physical property, in the circumferential direction inside the shell.

With regard to claim 7, in addition to not having a specimen inside the shell, Aufdermarsh et al does not deform and is pressurized, during use, to prevent deforming within the well bore.

With regard to dependent claims 8-10, 12-13 and 18-19, the above comments are repeated. Aufdermarsh et al has no instrumentation to measure a physical property inside the shell.

Therefore, the Aufdermarsh device does not anticipate the claimed invention nor can it perform the functions claimed.

SUMMARY

In light of the foregoing remarks and amendment to the claims, it is respectfully submitted that the Examiner will now find the claims of the application allowable. Favorable reconsideration of the application is courteously requested.

Respectfully submitted,



C. Fred Rosenbaum
Registration # 27110

McHale & Slavin, P.A.
2855 PGA Boulevard
Palm Beach Gardens, FL 33410
(561) 625-6575 (Voice)
(561) 625-6572 (Fax)

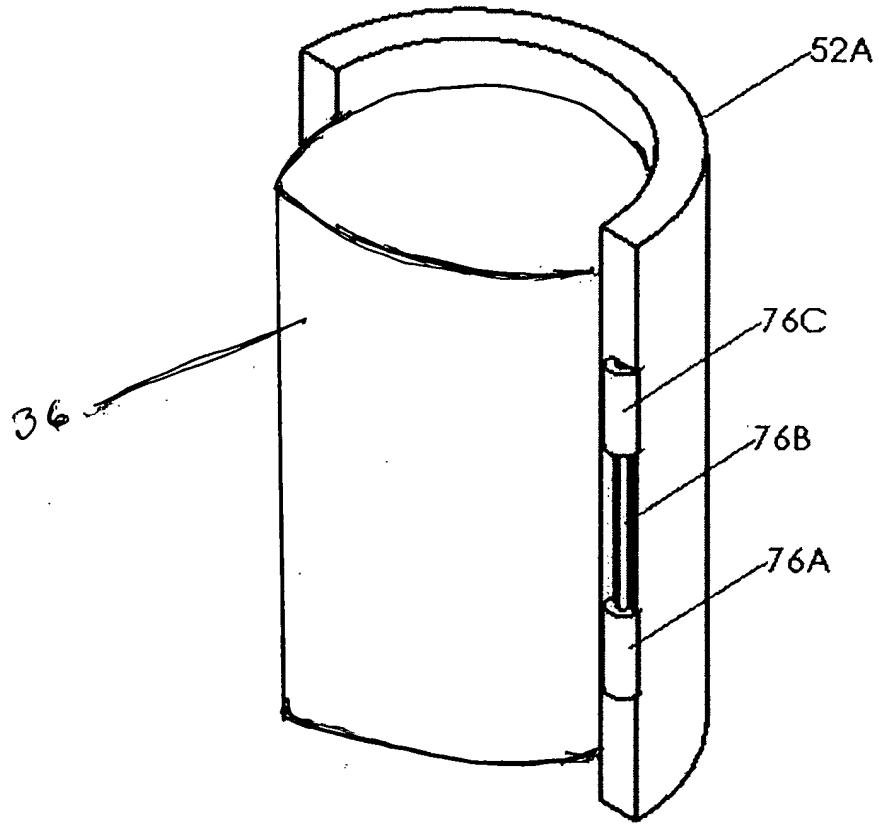


Fig. 2